

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

PAMELA YOUNG SMITH, et al.,)
)
Plaintiffs,)
)
vs.) Case No. 6:18-cv-03311-MDH
)
RIPLEY ENTERTAINMENT, INC.)
d/b/a RIDE THE DUCKS, et al.,)
)
Defendants.)

**ORDER AND JUDGMENT APPROVING CONFIDENTIAL
WRONGFUL DEATH SETTLEMENT AND A SETTLEMENT INVOLVING A MINOR**

Plaintiffs Pamela Young Smith, individually, and as Parent and Next Friend of Loren E. Smith, a minor, and as Special Administrator of the Estates of Steve C. Smith and Lance C. Smith (both Deceased), Ellen Smith and Carroll Smith (“Plaintiffs”) and Defendant Ripley Entertainment, Inc.’s (“Defendant”) (collectively “the Parties”) Application for Approval of Confidential Wrongful Death Settlement and a Settlement Involving a Minor, and having been called, evidence having been heard, and the Court being fully advised, the Parties’ Application is hereby **GRANTED**.

Plaintiff Pamela Young Smith appears by and through her counsel Clifford W. Plunkett. Defendant Ripley Entertainment, Inc. appears by and through its counsel Alexandra C. Wells. The hearing on the Joint Application for Approval of Confidential Wrongful Death Settlement and a Settlement Involving a Minor has been properly noticed for hearing.

The Court hears testimony of plaintiff Pamela Young Smith, reviews the Affidavits of Ellen Smith and Carroll Smith, considers statements of counsel for Plaintiffs and counsel for Defendant, and examines the exhibits admitted, including the Confidential Settlement Agreement

and Full and Final Release of Claims, received by the Court as Exhibit A. The Court finds the confidential settlement is made in good faith and is fair and equitable to and in the best interests of all the Parties, and that all potential claimants were given notice of their right to participate in this proceeding, that the notice given to all potential claimants was adequate and proper, and that the settlement of this wrongful death action and settlement involving a minor should be and hereby are **APPROVED**.

Therefore, the Court orders, adjudges, and decrees as follows:

1. The Application for Approval of Confidential Wrongful Death Settlement and a Settlement Involving a Minor is brought pursuant to the provisions of Mo. Rev. Stat. §§ 537.080 *et seq.* and 507.184.

2. Plaintiff Pamela Young Smith is the surviving wife of Steve C. Smith and surviving mother of Lance C. Smith. Loren E. Smith, a minor, by and through her Parent and Next Friend, Pamela Young Smith, is the surviving daughter of Steve C. Smith and sister of Lance C. Smith. Plaintiffs Ellen Smith and Carroll Smith are the surviving parents of Steve C. Smith.

3. Plaintiffs are class members entitled to bring an action for the alleged wrongful death of the Decedents pursuant to MO. REV. STAT. § 537.080. and to receive and share in the apportionment of the settlement proceeds for any and all potential claims arising from the death of the Decedents.

4. The Court is satisfied all class members have been duly served with notice pursuant to Mo. Rev. Stat. § 537.095.

5. Plaintiffs Ellen Smith and Carroll Smith, the surviving parents of Steve C. Smith, having investigated fully the facts and circumstances with reference to the incident involving the death of their son, Steve C. Smith, and with the advice of family and counsel, have determined and

advised the Court that they are not seeking and do not wish to receive any portion of the settlement proceeds.

6. Plaintiff Pamela Young Smith, individually and as Next Friend of Loren E. Smith, has agreed to the confidential settlement and distribution of settlement funds as outlined in the Confidential Settlement Agreement and Full and Final Release of Claims, which has been submitted *in camera* and reviewed by the Court.

7. The confidential settlement of any and all potential claims arising from the deaths of Steve C. Smith and Lance C. Smith and the survival claim of Loren E. Smith, a minor, as specified in Exhibit A, is a fair and reasonable compromise of disputed claims and is hereby approved.

8. The total confidential settlement sum shall be in full settlement, discharge and satisfaction of any and all claims, demands, and/or causes of actions which Plaintiffs, as class members, and which Loren E. Smith, a minor, may hereafter have against Defendant, or the other “Released Parties” identified in Exhibit A, on account of or arising out of damage sustained as a result of the deaths of Steve C. Smith and Lance C. Smith on July 19, 2018 and injury sustained by Loren E. Smith, a minor, as a result of this incident.

9. Plaintiffs, including Pamela Young Smith as Next Friend of Loren E. Smith, are hereby authorized and ordered to execute the Confidential Settlement Agreement and Full and Final Release of Claims, provided to the Court for review as Exhibit A, thereby releasing all claims against Defendants and the other “Released Parties” referenced therein, including Branson Duck Vehicles, LLC, that have arisen and may arise from the deaths of Steve C. Smith and Lance C. Smith on July 19, 2018 and injury sustained by Loren E. Smith, a minor, as a result of this incident.

10. The Court finds that the attorneys' fees and expenses set forth in Exhibit B are fair and reasonably based on the circumstances involved in this matter and the agreements between Plaintiffs and their attorneys.

11. Plaintiffs are further ordered to collect and acknowledge receipt and satisfaction of this judgment and, further, to distribute said judgment proceeds as ordered by this Court consistent with Exhibit B presented to the Court.

12. To the extent that a bond, if any, is required by Mo. Rev. Stat. § 507.150 for those settlement funds apportioned to Loren E. Smith, the Court hereby waives said bond because the minor's funds are not being paid to the Next Friend and instead are being used to purchase future periodic payments that shall not be payable to Loren E. Smith before reaching the age of 18.

13. The Court hereby approves the settlement of this matter as herein described and the distribution of proceeds as described herein

14. The Court further grants the Parties' request and orders that Exhibits A and B, which were provided to the Court for review, now be withdrawn to protect their confidentiality.

IT IS SO ORDERED.

Date: July 25, 2019

/s/ Douglas Harpool

Douglas Harpool
United States District Judge